

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Curtis R. Hill,
aka Curtis Rena Hill,

Plaintiff,

vs.

Robert Stevenson, Warden of Broad
River Correctional Institution, et al.,

Defendants.

Civil Action No. 6:10-2646-HMH-KFM

**AMENDED
REPORT OF MAGISTRATE JUDGE**

This matter is before the court on the plaintiff's motion for default (doc. 30). The plaintiff, a state prisoner proceeding *pro se*, filed his complaint seeking relief pursuant to Title 42, United States Code, Section 1983. He alleges the defendants were deliberately indifferent to his serious medical needs.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

The plaintiff contends that the defendants had until February 14, 2011, to file their motion for summary judgment, and they did not do so. Thus, he claims he is entitled to default against the defendants. First, entry of default is appropriate when a party fails to timely plead. Fed.R.Civ.P. 55. Here, there is no allegation the defendants failed to timely answer the plaintiff's complaint. Second, the docket clearly shows that the defendants timely filed their motion for summary judgment on February 14th. The plaintiff's motion for default (doc. 30) is meritless and should be denied.

IT IS SO RECOMMENDED.

March 30, 2011
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge